

Appl. No. : 10/674,801
Filed : September 30, 2003

REMARKS

The October 19, 2005 Office Action was based upon pending Claims 4-9, 13-23, 25, 28-32, 35-40, 44-48, 50-57, 59-63, 65-68 and 74-77. This amendment amends Claims 4, 5, 7-9, 13, 14, 16-19, 22, 28-32, 36, 39, 40, 44, 46-48, 50, 54-57, 59, 61-63, 65, and 74-77. Thus, after entry of this amendment, Claims 4-9, 13-23, 25, 28-32, 35-40, 44-48, 50-57, 59-63, 65-68, and 74-77 are pending and presented for further consideration.

CLAIM REJECTIONS

The Examiner rejected Claims 4, 8, 9, 13, 17-23, 25, 31, 32, 35-40, 47, 48, 50-57, 62, 63, 65-68, and 77 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,902,105 to Koakutsu ("the Koakutsu Patent") in view of U.S. Patent Publication No. 2003/0229586 to Repak ("the Repak Publication").

Further, the Examiner rejected Claims 5-7, 14-16, 28-30, 44-46, 59-61, and 74-76 under 35 U.S.C. §103(a) as being unpatentable over Koakutsu in view of Repak and further in view of U.S. Patent Application No. 2003/0130919 to Templeton, et al. ("the Templeton Application").

REJECTION OF CLAIMS 4-9, 13-23, 25, 28-32, 35-40, 44-48, 50-57, 59-63, 65-68, AND 74-77 UNDER 35 U.S.C. §103(a)

The Examiner rejected Claims 4, 8, 9, 13, 17, 18, 19, 20-23, 25, 31, 32, 35-40, 47, 48, 50-57, 62, 63, 65-68, and 77 under 35 U.S.C. §103(a) as being unpatentable over Koakutsu in view of Repak, and Claims 5-7, 14-16, 28-30, 44-46, 59-61, and 74-76 over Koakutsu in view of Repak and further in view of Templeton.

Claim 4

While Koakutsu appears to determine that a check is a corporate check based on the presence of the on-us field on the check, and while Repak is concerned with detecting and stopping ACH electronic transaction errors that lead to incorrectly debiting a commercial account as a result of processing a consumer check, neither Koakutsu, nor Repak apply merchant determined rules to the check transaction in order to continue processing the check as an electronic transaction. Neither Koakutsu, nor

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Repak notify the merchant to process the check as a paper check when the check transaction fails the merchant determined rules.

In contrast, one embodiment applies selected corporate rules to the check transaction when the indication indicates that the check is the corporate check, and notifies the merchant to process the check as a paper check when the check transaction fails the corporate rules.

Because the references cited by the Examiner do not disclose, teach or suggest communicating an indication that the check is a corporate check and the information about the check to a check processing service that authorizes or declines a check transaction associated with the check, where the check processing service applies selected corporate rules to the check transaction when the indication indicates that the check is the corporate check, notifies the merchant to process the check as a paper check when the check transaction fails the corporate rules, performs a risk assessment of the check transaction to authorize or decline the check transaction when the check transaction passes the corporate rules, and processes the check as a cash concentration disbursement (CCD) transaction via an automated clearing house (ACH) when the check is authorized, Applicants assert that Claim 4 is not obvious in view of the Koakutsu patent and the Repak patent. Applicants therefore respectfully submit that Claim 4 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 4.

Claims 13, 19, 32, 48, and 63

Although Claims 13, 19, 32, 48, and 63 have different language than Claim 4, Claims 13, 19, 32, 48, and 63 are believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Claims 5-9, 14-18, 20-23, 25, 28-31, 35-40, 44-47, 50-57, 59-62, 65-68, and 74-77

Claims 5-7, which depend from Claim 4, Claims 14-18, which depend from Claim 13, Claims 20-23, 25, and 28-30, which depend from Claim 19, Claims 35-40 and 44-47, which depend from Claim 32, Claims 50-57 and 59-62, which depend from Claim

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48, and Claims 65-68 and 74-76, which depend from Claim 63, are believed to be patentable for the same reasons articulated above with respect to Claims 4, 13, 19, 32, 48, and 63, respectively, and because of the additional features recited therein.

CONCLUSION

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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